

Paper No. 34
Mailed 09/23/00
Final Rejection

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1. Receipt is acknowledged of the request for reconsideration filed April 02, 1998.

2. Claims 25-34 remain present in the instant application.

5 Claims 1-24 were previously canceled.

3. The request for reconsideration has been noted but all of the prior rejections as stated in the prior Office action dated July 29, 1998 and December 02, 1998 have been maintained.

10 This Examiner has to abide by the rules of the MPEP which indicates that the current rejections are appropriate. This Examiner wishes Applicant the best in the pursuit of overturning the rejections by a higher Authority.

As indicated in the previous Office action:

15 'Applicant is entitled to appeal the above rejections to the Patent Board of Appeals and Interference.'

HOWEVER, 'This Examiner will probably maintain the above rejections for the broad claimed genus especially the written description rejections with the approval of the Supervisor and the Special
20 Program Examiner.' DEPOSITS ARE REQUIRED FOR THESE MUTANTS due to the unpredictability of the claimed subject matter in accordance with the decisions cited in the previous Office action.


4. No claim is allowed.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lilling whose telephone number is (703) 308-2034 and fax number (Art Unit 1651) is (703) 305-7939 or SPE Michael Wityshyn whose telephone number is (703) 308-4743. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

H.J.Lilling: HJL
(703) 308-2034
Art Unit 1651
December 02, 1998


HERBERT J. LILLING
PATENT EXAMINER
GROUP 1600- ART UNIT 1651